

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210



Reply to the Attention of:

NOV 3 1993

Mr. Christopher D. Jones
123 Ridgeley Point
Norfolk, Virginia 23505-4603

Dear Mr. Jones:

This is in response to your letter of August 20, addressed to the Secretary of Labor, the Honorable Robert Reich. Your letter was forwarded to the Occupational Safety and Health Administration (OSHA) for response.

In your letter, you expressed concern that the Interim Final Rule for Lead in Construction, 29 CFR 1926.62, did not specify a trigger level for defining the presence (or absence) of lead, particularly regarding surface coatings as it relates to work tasks covered under the provisions of 29 CFR 1926.62(d)(2). You also believed that if analysis of surface coatings is below the limit of detection of a generally accepted analytical method such as NIOSH method 7300, then removal of the surface coatings would not be regulated under 29 CFR 1926.62.

The interim final Lead in Construction standard applies to all occupational exposures to lead occurring in the course of construction work. As you have noted, the standard does not specify a minimum amount or concentration of lead that triggers a determination that lead is present, and the potential for occupational exposure exists. However, if the employer has appropriately tested all potential sources of lead (e.g., tested all layers of paints and coatings that may be disturbed) utilizing a valid detection method, such as the NIOSH method 7300, for the presence of lead and found no detectable levels of lead, the standard does not apply.

The interim final Lead in Construction standard is in effect until a final rule is promulgated under Section 6(b) rulemaking requirements of the Occupational Safety and Health Act of 1970 (OSH Act). When a final rule is promulgated through 6(b) rulemaking, specific issues such as yours can be more fully addressed during that process.

Thank you for your interest in this matter.

Sincerely,

Roger A. Clark, Director
Directorate of Compliance Programs